

REMARKS

Claims 1, 6, 9 and 10 are pending in this application. By this Amendment, claims 1, 6, 9 and 10 are amended. Claim 11 has been canceled. Support for the amendments can be found, for example, in Figs. 1 and 2 and the associated description. No new matter is added.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Laios in the August 9 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

As agreed during the telephone interview, entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.


The Office Action rejects claims 1 and 6 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. By this Amendment, claims 1 and 6 have been amended to delete "multiple layered," responsive to the rejection. Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claims 9 and 10 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. By this Amendment, claims 9 and 10 have been amended to replace "electrolyte" with "hydrogen permeable," responsive to the rejection. Applicant respectfully requests withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SDJ/crh

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